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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,217	12/15/2003	Carl Young	G08.150/U	7693

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BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/737,217

Applicant(s)

YOUNG ET AL.

Examiner

Jamisia A. Plucinski

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 112 2nd paragraph of Claim 4.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2, 4-10, 15 and 16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Jamisia A. Plucinski
Patent Examiner

Art Unit 3629

Continuation of 3. NOTE: The applicant has amended the claim to delete claim limitations as well as add further claim limitations such as "relating the received indication of a security risk to...." as well as added some wherein clauses, which would cause further search and examination..

Continuation of 11. does NOT place the application in condition for allowance because: With respect to applicant's argument with regards to the 101 rejection: First it should be noted that the applicant has made the statement that the current amendment addresses the alleged subjective nature of the previously claimed digital data. However the claim amendment is not being entered, therefore this argument is not persuasive. The applicant states that the claimed aspects of setting, receiving and transmitting are considered to be concrete steps. However, where as the physical steps of setting, receiving and transmitting may be concrete, it is the information with in the step which is not. The applicant has positively claimed the actual data, therefore it is not enough to have support for simply the steps for how the data goes from point A to point B and what happens in between. There is some sort of manipulation of data, therefore that needs to be detailed. Furthermore, as stated in the rejection, the claims recite the use of a subjective quantifier, therefore, leading one to believe that the information therein is all subjective. Data is taken in at one step, and then outputted in another step, In the middle there is some manipulation of data, that needs to be outlined on how that is done.

With respect to Applicant's argument in terms of the 112 1st paragraph: see arguments above, for the 101 rejection. The spec lacks guidance on how the data inputted is manipulated and turned into data outputted.

With respect to Applicant's argument with the 103 rejection: The applicant is basing their arguments on Beverina not disclosing "setting" a hierarchical relationship between two or more element. As stated previously, the examiner considers Beverina to "set" a relationship, due to the fact that in Beverina, the user defines a building, and then defines a floor within a building. Therefore that is considered to be "setting" a relationship. It is a specific relationship, because it is a floor within a building. A user defines the area, and puts in features, this is an active step of setting. The applicant made a statement that admitted by the Office Action that Beverina does not disclose setting a relationship between two elements or even suggest setting a hierarchical relationship between the two. The meaning of this, was that even though Beverina does not specifically use those terms, does not specifically use the term "setting a relationship" or even "setting a relationship", the step is still being performed. The examiner was talking about the terms not being used, NOT that Beverina does not disclose the step. Beverina actively sets relationships between floors and buildings, therefore the examiner considers Beverina to disclose the claimed invention.

The rejections stand as stated in the Final Office Action..